

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 29, 1999**

## DIVISION ONE

B122542 Reynolds (Not for Publication)  
v.  
T-Neck Records, Inc., et al.

The orders and judgment are affirmed. Respondents T-Neck and Winbush are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B116457 Haile (Not for Publication)  
B120576 v.  
Southland Corp., et al.

The judgments are affirmed. The defendants are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

July 29, 1999-Continued

## DIVISION ONE (Continued)

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The judgment is affirmed. Cadwell is entitled to his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B121771 People (Not for Publication)  
v.  
Gutierrez

The judgment is affirmed, and the cause is remanded to the trial court with directions to issue an abstract of judgment corrected to reflect the sentence actually imposed, to wit: life *with* the possibility of parole plus 20 months.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B127991      Becker                                  (Not for Publication)  
v.  
Santa Anita Medical Marketing Management, Inc.

The judgment is affirmed. Becker is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

July 29, 1999-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Masterson, J.

B122440      Bagley      (Certified for Publication)  
v.  
TRW, Inc.

The judgment is reversed, and the cause is remanded to the trial court with directions to set the case for trial. Bagley is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B117713 Amitin et al. (Not for Publication)  
B122237 v.  
Verdugo Hills Hebrew Center et al.

The orders and judgment are affirmed. The Center and the Pasadena Temple are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

July 29, 1999-Continued

## DIVISION ONE (Continued)

B118013      Landers                                  (Not for Publication)  
v.  
Board of Trustees of the California State University

The judgment and order are affirmed. The Board of Trustees of the California State University System are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B121597      In re the Marriage of Weisstein      (Not for Publication)  
                  Carole Weisstein  
                  v.  
                  Gerald S. Weisstein

The order is affirmed. Carole is awarded her costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

B118368 Kabakoff et al. (Not for Publication)  
v.  
Truck Insurance Exchange

The judgment is affirmed. Truck Insurance Exchange is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

DIVISION ONE (Continued)

B118529      Fernandez et al.                      (Not for Publication)  
                 v.  
                 Northern Automotive Corp.

The judgment is reversed, and the cause is remanded to the trial court with directions to enter a new judgment in favor of Northern and against Fernandez. Northern is awarded its costs of appeal.

Vogel (Miriam A.), J.

I concur:                                      Masterson, J.  
I concur in result only:                  Ortega, Acting P.J.

B128410      Lee et al.                                      (Certified for Publication)  
                 v.  
                 Block

The order of dismissal and the order sustaining the Sheriff's demurrer are reversed, and the cause is remanded to the trial court with directions to (1) enter a new order overruling the Sheriff's demurrers to Lee's claims for declaratory and injunctive relief; (2) reconsider the Sheriff's demurrer to Lee's cause of action for damages; (3) determine whether Lee is entitled to an award of attorneys' fees and, if so, the amount of such an award; and (4) make such other and further orders as are necessary. Lee is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.  
   Masterson, J.

B118679      People  
                 v.  
                 Rios et al.

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION THREE

B120122      Galpin Motors, Inc.      (Not for Publication)  
v.  
XL Ins. Brokerage, et al.

The summary judgment is reversed as to causes of action numbers 24 through 31. Costs on appeal are awarded to Galpin.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B105730      Amilcar Barquero, et al.      (Not for Publication)  
v.  
City Mayor Richard J. Riordan, et al.

The judgments as to Medrano, Zlotnik, and the City of Los Angeles defendants are affirmed. Costs on appeal awarded to Medrano, Zlotnik, and the City of Los Angeles defendants.

As to Gaylee Cabral, County of Los Angeles, The California Appellate Project, The State of California, The State Bar of California, and Tracey Carter, the appeal is dismissed.

Kitching, J.

We concur: Croskey, Acting P.J.  
Aldrich, J

B121341      People      (Not for Publication)  
v.  
Parish

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION THREE (Continued)

B123499      Santa Monica Rent Control Board      (Not for Publication)  
v.  
Nema Anwar Boktor, et al.

The judgment is affirmed. Los Angeles Superior Court cases WEC146351 and SS007634 are ordered consolidated if the former case has not been dismissed. The Board shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B122271      People      (Not for Publication)  
v.  
Duncan

The judgment is modified to impose a \$200 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the trial court's imposition of a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b), and a \$200 restitution fine pursuant to Penal Code section 1202.45.

Croskey, Acting P.J.

We concur: Kitching, J.  
Aldrich, J.

B120237      People      (Not for Publication)  
v.  
Quintana

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

### DIVISION THREE (Continued)

B107777 David L. Cohan (Not for Publication)  
v.  
Blumberg Ribner, Inc. et al.

The judgment is affirmed with respect to the award to Cohan of damages, prejudgment interest, costs and disbursements, as set forth in paragraph one thereof. With respect to the denial of Cohan's causes of action for declaratory relief and an accounting, the judgment is reversed. The matter is remanded to the trial court with directions to grant Cohan declaratory relief to the effect he is entitled to five percent of all post-trial revenues received or to be received by BRI from the June 11, 1993 contract with St. Joseph's, as well as an accounting of BRI's gross revenue from said contract and the amount owing to Cohan from such revenue.

Cohan is to recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

Court convened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

B129909      Certain Underwriters At Lloyd's London  
v.  
S.C.L.A.  
(Powerine Oil et al., r.p.i.)

Merits:  
Argued by Patrick Cathcart for petitioner, by David Isola for real party in interest and by Michel Y. Horton, Timothy R. Patterson, Dorn Bishop, Catherine L. Rivard, Ira Revich, Richard B. Goetz, Irving Greines and Kirk Chamberlin for amici curiae. Cause submitted.

Court adjourned at 4:41 P.M.



## DIVISION FIVE

B131671      The People      (Certified for Publication)

V.

Superior Court, Los Angeles County  
(Reuben Kenneth Lujan, r.p.i.)

A peremptory writ shall issue directing respondent to court to vacate its order of April 16, 1999, granting defendant's motion to strike the special circumstance allegation pursuant to Penal Code section 190.1, subdivision (a)(15), as to each of the murder counts, and to enter a new and different order denying the motion in its entirety.

Weisman, J. (Assigned)

We concur:   Turner, P.J.  
                     Grignon, J.

B124798 People (Not for Publication)

V.

Glenn Rafael Towery

The judgment is modified to reflect a total of 184 days of presentence custody credit comprised of 164 days in actual custody plus 24 days of good conduct credit. The clerk of the superior court is directed upon issuance of the remittitur to prepare a corrected abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                          Grignon, J.

## DIVISION FIVE (Continued)

B124798      People                                  (Not for Publication)  
v.  
Glenn Rafael Towery

The judgment is modified to reflect a total of 184 days of presentence custody credit comprised of 164 days in actual custody plus 24 days of good conduct credit. The clerk of the superior court is directed upon issuance of the remittitur to prepare a corrected abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B123102      Frumeh Labow      (Not for Publication)  
v.  
Roy Morando  
Conservatorship of the Person and Estate of Phyl

The judgment is affirmed. Frumeh Labow, as conservator of the person and estate of plaintiff, Phyllis Morando, shall recover her costs on appeal from defendant, Roy Morando.

Turner, P.J.

I concur: Grignon, J.  
I dissent: Armstrong, J. (Opinion)

DIVISION SIX

[illegible]

The judgment is affirmed.

Matz, J. (Assigned)

We concur: Gilbert, Acting P.J.  
Coffee, J.

B128002      Leslie et al.      (Certified for Publication)  
v.  
Superior Court, Ventura County  
(So. Calif. Edison Co., r.p.i.)

The order sustaining the demurrer to the supplemental complaint is reversed. We direct the trial court to vacate its ruling sustaining the demurrer to the Leslies' supplemental complaint and to enter a new order overruling the demurrer. Costs are awarded to the Leslies.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B123792 People (Not for Publication)  
v.  
Wagner

The commitment order is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

July 29, 1999-Continued

## DIVISION SIX (Continued)

B124367 People v. Maga (Not for Publication)

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The trial court imposed a \$1,000 fine pursuant to section 1203.04, which was repealed in 1995. In the interests of judicial economy, we order that the abstract of judgment be modified to show the fine was ordered pursuant to section 1202.4, the successor statute, and to reflect a second restitution fine in the amount of \$1,000, suspended, pursuant to section 1202.45. The judgment is affirmed as modified.

Matz, J. (Assigned)

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

B119214      Beltran      (Not for Publication)  
v.  
Yellow Freight Systems, Inc.

The judgment is affirmed. Costs are awarded to Beltran.

Matz, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.

## DIVISION SIX (Continued)

B125447 People (Not for Publication)  
v.  
Diaz

The judgment is modified to reflect a parole revocation fine, suspended, in the amount of \$200 pursuant to section 1202.45, and the clerk of the Los Angeles Superior Court is ordered to prepare an abstract of judgment reflecting the imposition of this fine. The judgment is affirmed as modified.

Matz, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.

B124959      In Re Lock      Certified for Publication)  
on  
Habeas Corpus

Let a writ of habeas corpus issue, commanding the Director of Atascadero State Hospital to afford Locks a Keyhea hearing so that it may be properly determined whether Locks is mentally competent to refuse psychotropic medication.

We vacate the order to show cause.

Gilbert, Acting P.J.

I concur: Coffee, J.  
I dissent: Yegan, J. (Opinion)